

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

The Satanic Temple, Inc.

Plaintiff

v.

Newsweek Digital LLC

Defendant.

1:22-cv-1343 (MKV)

**THE SATANIC TEMPLE'S
LR 56.1 STATEMENT**

COMES NOW Plaintiff The Satanic Temple, Inc., by and through counsel of record, with a statement of material facts pursuant to LR 56.1.

THE PARTIES

1. Plaintiff The Satanic Temple, Inc. is an atheistic religious corporation organized under the laws of Massachusetts with its principal place of business in Salem, MA. Compl. at ¶ 6.

2. Defendant Newsweek Digital LLC is a New York limited liability company whose membership consists of New York

residents. Compl. at ¶ 7.

3. Newsweek Digital LLC holds the rights to publish *Newsweek*. Compl. at ¶ 7.

4. *Newsweek* is read by “more than one in five Americans.” Cooper Depo. 56:2-8.

5. Around 10 or 15 years ago, *Newsweek* was one of the “Big Three” newspapers. Cooper Depo. 55:10-22.

6. The “Big Three” were the biggest and most credible names in the news industry. Cooper Depo. 55:18-25.

THE ARTICLE

7. On October 29, 2021, Newsweek published the subject article: *Orgies, Harassment, Fraud: Satanic Temple Rocked by Accusations, Lawsuit*. Compl. Ex. 1.

8. The article is about Plaintiff. Compl. Ex. 1.

9. Within the article is an accusation that The Satanic Temple engages in “sexual abuse” being “covered up in ways that were more than anecdotal.” Compl. Ex. 1, at 16.

10. Nancy Cooper was one of the Newsweek employees who gave approval for Duin to write the article. Duin Depo. at 151:8-22.

11. Julia Duin wrote the article. Duin Depo. at 131:9.

12. Nancy Cooper edited the article. Cooper26; Cooper37; Cooper Depo. at 134:13-16, 189:17-22.

13. Juliana Pignataro did not edit the article. Cooper Depo. at 158:22-25.

14. Nancy Cooper edited the article because she is “a much more experienced editor.” Cooper Depo. at 158:22-25.

15. Nancy Cooper wrote the headline. Cooper28; Cooper31; Cooper48; Cooper Depo. at 191:18-20.

16. Nancy Cooper wrote the lede. Cooper48; Cooper Depo. at

190:19-24.

17. Beyond Julia Duin and Nancy Cooper, nobody else at Newsweek had any substantive involvement in the article. Duin Depo at 151:8-22; see also Cooper²⁶, Cooper³⁷, and Cooper Depo. at 189:17-22.

DUIN'S ACCESS TO TOP MANAGEMENT

18. On September 1, 2021, Newsweek hired Julia Duin to serve as its religion editor and reporter. Duin Depo. at 25:22-26:9; 48:2-5; Cooper Depo. at 71:18-21.

19. There is no evidence that the job was publicly posted. See Duin Depo. at 28:17-20 (Duin doesn't know if it was).

20. Julia Duin learned of the job opportunity through a mutual acquaintance of Dayan Candappa. Duin Depo. at 26:10-27:4.

21. Julia Duin went about applying for the job through direct contact to Dayan. Duin Depo. at 27:21-23.

22. Dayan Candappa is Newsweek's chief strategy and content officer. Cooper Depo. at 148:18-19.

23. Dayan Candappa reports directly to Newsweek's CEO, Dev Pragad. Cooper Depo. at 149:11-18.

24. So does Nancy Cooper. Cooper Depo. at 11:17-21.

25. Nancy Cooper is Newsweek's global editor in chief. Cooper Depo. at 4:20-22.

26. As global editor in chief, Nancy Cooper sets the standard for what Newsweek does or doesn't do. Cooper Depo. at 4:23-5:3.

27. As global editor in chief, Nancy Cooper determines what is "newsworthy." Cooper Depo. at 4:22-5:12.

28. Julia Duin directly reported to Juliana Pignataro. Cooper Depo. at 97:19-23; 149:3-7; Duin Depo. at 150:20-21.

29. Juliana Pignataro is either the U.S. News Director or the U.S. Editor. DUIN15-001 ("U.S. News Director"); and Cooper Depo. at

97:21-23 (U.S. Editor).

30. While employed at Newsweek, Julia Duin regularly met with Juliana Pignataro, Nancy Cooper, and Dayan Candappa. Duin Depo. at 152:2-17; Cooper Depo. at 73:2-6; NEWSWEEK442-443.

DUIN'S JOURNALISTIC BACKGROUND

31. Julia Duin was a senior hire who, in Newsweek's estimation, did not need instruction on the basics of journalism. Cooper Depo. at 143:18-21.

32. Prior to her hiring, Julia Duin had served as a professor of journalism, both on general topics and religion in particular. Duin Depo. at 183:5-9.

33. Julia Duin has taught journalism at four colleges. Duin Depo. at 15:22-17:8.

34. Julia Duin taught her students to hear directly from the religion before writing about them. Duin Depo. at 17:20-18:5.

35. During 1987-1989, Julia Duin wrote three articles about Satanism. JDUIN 4-17.

36. The years 1987-1989 were during the height of the Satanic Panic. Greaves Aff.

37. The Satanic Panic was a moral panic which consisted of now-debunked conspiracy claims that a secret Satanic cabal was organizing ritual abuse – including ritual sexual abuse – on a global scale. Greaves Aff.; see also Greaves Depo. at 9:3-10:2.

38. Through the Grey Faction Campaign, the Satanic Temple combats irrational moral panics, particularly as pertains to conspiratorial claims of Satanic ritual abuse. Greaves Aff.

39. Duin's 1989 article approvingly quotes Geraldo Rivera's forward to the book *Satanism in the United States: a phenomenon on the rise*. JDUIN15.

40. One year prior, in October 1988, Geraldo Rivera had a widely published two-hour expose, entitled *Devil Worship: Exposing Satan's*

Underground, in which he spread now-debunked claims of Satanic ritual abuse. Greaves Aff.

41. In 1995, Geraldo Rivera famously retracted his endorsement of the claims he spread during the Satanic Panic. Greaves Aff.

42. Prior to the article, Julia Duin wrote three articles about The Satanic Temple. Duin Depo. Exhibits 3, 4, and 5; see also Duin Depo. at 73:18-76:15.

43. All were unfavorable portrayals of the organization. Ibid.

CONCEPTION OF THE ARTICLE

44. On September 29, 2021, the idea for this article was brought to Julia Duin by a reporter for the Catholic News Agency named Kevin J. Jones. JDUIN002; see also Duin Depo. at 37:13-38:9.

45. In his email, the Catholic News Agency's reporter prefaced the idea with a disclaimer that he has written "somewhat critically of The Satanic Temple" and has not had time to "factcheck" certain

claims raised by an ex-member. JDUIN002.

46. One of the unverified claims passed on by the Catholic News Agency's reporter was "some allegations of TST leadership sexually exploiting members or failing to respond to harassment / sex assault allegations against chapter heads." JDUIN002.

PITCH AND APPROVAL OF THE ARTICLE

47. On September 30, 2021 – one day after receiving the idea from Kevin J. Jones – Julia Duin pitched it to Juliana Pignataro. NEWSWEEK025; see also Duin Depo. at 35:1-8, DUIN15-001, and DUIN15-002.

48. As pitched by Julia Duin, the article would be "Just in time for Halloween." DUIN15-002; Duin Depo. at 53:1-5.

49. Julia Duin identified Halloween as a major reason for pitching the article because she considers Halloween to be a Satanic holiday. Duin Depo. at 53:4-14.

50. As pitched by Julia Duin, the article would be about “NDAs being used to hide wrongdoing” and “sexual harassment.” Duin Depo. at 35:1-8.

51. Juliana Pignataro indicated that she would be happy to discuss. DUIN15-001.

52. Nancy Cooper took special interest in the article. Cooper Depo. at 153:18-154:2; Cooper51.

53. All three of Newsweek’s senior management – Juliana Pignataro, Nancy Cooper, and Dayan Candappa– greenlit the article. Duin Depo. at 151:8-22.

54. The article was greenlit within one week of the pitch. Duin Depo. 92:1-12.

EDITORIAL GUIDELINES

55. Newsweek publicly admonishes “all Newsweek journalists” to comply with the Editorial Guidelines and purport to set the

“highest professional standards.” Compl. Ex. 3.

56. Nancy Cooper wrote the Editorial Guidelines, as aided by either the chief of content or the chief content officer. Cooper Depo. at 206:10-13.

57. The Editorial Guidelines require Newsweek journalists to “Reach out for comment and give parties time to respond,” *especially* when “we are accusing a person or company of wrongdoing.” Compl. Ex. 3, at 2.

58. The Editorial Guidelines require that criminal charges be “specific” and “complete.” Compl. Ex. 3, at 2.

59. Covering up sexual abuse would be a “possibly criminal act.” Cooper Depo. 186:21-187:10 and 187:10-22.

60. Sexual abuse in the first place could also be a “criminal act.” Cooper Depo. 187:23-188:6.

61. The article provides no details as to who was sexually abused. Depo. Cooper at 207:12-13 (Q: “Who was sexually abused” A: “We

don't know. Members.”)

62. The article provides no details as to what amounts to sexual abuse. Depo. Cooper at 208:2-3 (Q: “What was the sexual abuse?” A: “I don’t know.”.)

63. The article provides no details as to what the cover-up entailed. Depo. Cooper at 207:14-16 (Q: “What was entailed in the coverup?” A: “I don't know”).

64. The article provides no details as to who was involved in the cover-up. Depo. Cooper at 207:21-25 (Q: “Who engaged in the coverup?” A: “I don't know”).

65. The Editorial Guidelines require Newsweek journalists to use “credible” sources. Compl. Ex. 3, at 3; see also Depo Cooper at 205:11-206:5.

66. Under the Editorial Guidelines, an accusation of covered-up sexual abuse should be fact-checked. Cooper Depo. at 38:20-25.

67. Newsweek did not train Julia Duin on the Editorial

Guidelines. Duin Depo. at 80:6-21; see also Cooper Depo. at 142:22-143:17 and 143:18-21.

DUIN’S “INVESTIGATION”

68. About one week after the pitch, Julia Duin met with two *Johnson* defendants: David Alan Johnson and Nathan Sullivan. Duin Depo. at 92:9-93:19.

69. The *Johnson* defendants were the “disgruntled former members” of The Satanic Temple she referenced in the pitch. Cooper⁵²; Duin Depo. at 178:8-18.

70. The *Johnson* defendants never claimed to have any personal knowledge that The Satanic Temple engages in sexual abuse and cover-up. Johnson Depo. at 21:14-19.

71. After Julia Duin met with the Johnson defendants, Nathan Sullivan provided her the contact information for Jinx Strange. Sullivan Depo. at 6:6-17.

72. Jinx Strange is a pseudonym. Strange Depo. at 8:22-24; Johnson Depo. at 6:24-7:1; Sullivan Depo. at 6:3-5.

73. On October 24, 2021, upon Julia Duin's inquiry, Jinx Strange provided a three-page email with his comments about The Satanic Temple. NEWSWEEK015-017.

74. Nowhere within Jinx Strange's email does he suggest that he, personally, suffered "sexual abuse being covered up in ways that were more than anecdotal." NEWSWEEK015-017.

75. Jinx Strange never personally witnessed this sexual abuse. Strange Depo. at 11:19-21.

76. Instead, he distanced himself from the accusation by including the words: "*Accounts of* sexual abuse being covered up in ways that were more than anecdotal." NEWSWEEK016 (emphasis added).

77. From Jinx Strange's three-page email, Julia Duin selected the statement for inclusion in the article. DUIN45-001 ("so much to

choose from!”).

78. Jinx Strange’s understanding of “sexual abuse” was secondhand through people basically telling him something over the internet. Strange Depo. at 13:1-4.

79. Jinx Strange did not further explain to Julia Duin who suffered “sexual abuse.” Duin Depo. at 99:3-9.

80. Julia Duin did not ask any follow-up questions from Jinx Strange about who was “sexually abused” or what was entailed in the “cover up.” Duin Depo. at 99:3-17.

81. On October 25, 2021, one day after receiving Jinx Strange’s email, Julia Duin talked to Lucien Greaves. Compl. Ex. 9.; see also Duin Depo. at 110:12-17 and 111:2-4.

82. On October 26, 2021, Julia Duin followed up with various questions unrelated to the claim of “sexual abuse being cover-up in ways that were more than anecdotal.” Compl. Ex. 9.

83. Julia Duin never asked Lucien Greaves about the accusation

of sexual abuse or cover up. Duin Depo. at 123:10-18 and 123:24-124:5.

84. On October 27, 2021, Julia Duin talked to Dr. Joe Laycock. Laycock Aff.

85. Julia Duin considered Dr. Layock the “unofficial biographer” of The Satanic Temple. Duin Depo. at 103:8-9.

86. Julia Duin did not ask Dr. Laycock about sexual abuse or cover up. Laycock Aff.; see also Duin Depo. at 136:9-13.

87. Julia Duin did not ask “anyone on the face of the planet what sexual abuse and cover-up means” in context of the article statement. Duin Depo. at 136:9-13.

88. Julia Duin did not talk to a single individual who claimed to have been subjected to sexual abuse or coverup. Duin Depo. at 173:18-174:3.

89. In Julia Duin’s view, this article was not an investigation into sexual abuse. Duin Depo. at 99:8-17.

90. Once Julia Duin “realized how much stuff was out there” she had to “limit it to the Seattle story mostly.” NEWSWEEK 465.

91. But this limitation on the scope of the article did not stop Julia Duin from including some “delicious quotes near the bottom from members in other parts of the country.” NEWSWEEK 465.

92. Jinx Strange is in Wisconsin, not Seattle. Duin Depo. at 193:5-9.

93. Had Strange accused The Satanic Temple of child murder, it would have occurred to Julia Duin to ask follow-up questions. Duin Depo. at 183:25-184:21.

THE ARTICLE STATEMENT IS FALSE

94. Newsweek has identified a total of six witnesses upon whose testimony it intends to rely to prove “Allegations of sexual abuse within The Satanic Temple and the response, or lack thereof, to those claims by members of The Satanic Temple.” Defendant’s

Revised Initial Disclosures, at 2.

95. Those six people are: Jinx Strange, David Alan Johnson, Nathan Sullivan, Dr. Joseph Laycock, Lucien Greaves, and Matthew Kezhaya. Defendant's Revised Initial Disclosures, at 2.

96. Jinx Strange has no personal knowledge of sexual abuse or cover-up. Strange Depo. at 11:16-18.

97. David Alan Johnson has no personal knowledge of sexual abuse or cover-up. Johnson Depo. at 18:3-14, 21:14-19, 13:4-16, 10:10-12.

98. Nathan Sullivan has no personal knowledge of sexual abuse or cover-up. Sullivan Depo. at 10:14-22, 14:15-15:4, 15:15-24.

99. Lucien Greaves has no personal knowledge of sexual abuse or cover-up. Greaves Aff.; see also Greaves Depo. 18:14-19:15.

100. Dr. Joe Laycock has no personal knowledge of sexual abuse or cover-up. Laycock Aff.

101. Matthew Kezhaya has no personal knowledge of sexual abuse or cover-up. Kezhaya Aff.

102. From 2013 – 2019, Dr. Laycock interviewed over 50 people in connection with his book: *Speak of the Devil: How The Satanic Temple is Changing the Way We Talk about Religion* (Oxford Press, 2020). Laycock Aff.

103. Among the people interviewed by Dr. Laycock were ex-members. Laycock Aff.

104. Dr. Laycock heard rumors about sexual harassment, but never from anyone firsthand. Laycock Aff.

105. Dr. Laycock did not hear any rumors about coverup of sexual harassment. Laycock Aff.

106. Dr. Laycock also attended events for The Satanic Temple sufficient to testify to the culture within The Satanic Temple. He did not see any permutation of sexual abuse or cover up. Laycock Aff.

107. In fact, The Satanic Temple does *not* engage in sexual abuse

or cover up. Stevens Depo. at 44:17-45:7, 160:10-20.

108. To the contrary, The Satanic Temple has specific reporting and investigation requirements about any form of sexual misconduct. Stevens Depo. at 12:20-14:16, 26:6-27:7, 28:4-31:15.

109. Part of The Satanic Temple's reporting and investigation requirements include advising claimants to make a police report. Stevens Depo. at 28:4-18.

110. The Satanic Temple's reporting and investigation requirements prohibit retaliation. Stevens Depo. 91:16-20; 92:2-14.

111. The Satanic Temple's reporting and investigation requirements predate the article by more than one year. See Stevens Depo. at 13:11-16.

112. Every instance in which a claim of sexual harassment has been made known to The Satanic Temple's decisionmakers, the perpetrator of the misconduct has either voluntarily stepped down or has been removed. Stevens Depo. at 50:24-51:5 and 86:10-17.

EDITING OF THE ARTICLE

113. Nancy Cooper requested a statement be included to the article, that The Satanic Temple doesn't "actually have an abortion ritual" and that "it's a piece of political theatre." Cooper¹⁹.

114. Julia Duin resisted that insertion, stating: "I don't *know* that's true and of course TST would never admit that." Cooper³⁷.

115. Nancy Cooper insisted on its inclusion: "Okay to say that TST does not appear to practice abortion as a ritual?" Cooper⁴⁸; but see Cooper Depo. at 166:16-23.

116. Nancy Cooper did not engage in any fact investigation for the article, only Julia Duin performed any fact checking of this article. Cooper Depo. at 140:4-24.

117. During Julia Duin's entire career at Newsweek, nobody ever fact-checked any of her articles. Cooper Depo. at 140:17-20.

118. Nancy Cooper did not inquire into Julia Duin's investigation at all. Cooper Depo. at 160:24-161:8; see also *id.* at 192:24-193:5

and 223:23-224:8.

119. Newsweek does not employ fact-checkers. Cooper Depo. at 133:13-17.

120. Nancy Cooper, and Newsweek, had “faith” in Julia Duin's reporting. Cooper 233:4-7.

NEWSWEEK’S PRAISE FOR THE ARTICLE

121. Nancy Cooper praised this article three times:

- a. Cooper⁴⁵ (October 28, 2021 at 1:01 PM: “Fabulous stuff here! Wow.”)
- b. Cooper⁴⁰ (October 29, 2021 at 8:28 AM: “Looks great!”); and
- c. NEWSWEEK³⁷⁷ (October 29, 2021 at 3:19 PM: “Thanks again for terrific story!”).

122. On October 29, 2021 at 8:02 PM, Julia Duin reported back to

Kevin J. Jones of the Catholic News Agency: “The Newsweek folks love it - first article I've turned in that they've raved about - so that's good.” NEWSWEEK 465.

DEMANDS FOR RETRACTION OR CORRECTION

123. On October 29, 2021 at 5:41 PM, Lucien Greaves took issue with the article statement. NEWSWEEK032 (“nor is there any truth to the claim that we’ve covered up sexual abuse.”)

124. On October 30, 2021, undersigned counsel issued a demand for retraction and specifically took issue with the article statement. Compl. Ex. 5, at 8 ¶ 16 (“This is not journalism, it is gossip-mongering.”)

125. Newsweek did not and, to this day, has not issued any retraction.

THE ARTICLE HARMED THE SATANIC TEMPLE

126. The article immediately drew unfavorable comparisons between The Satanic Temple and the Catholic Church. Compl. Ex. 1, at 22:

- a. “At a glance I thought it was the Catholic Church in hot water again.”
- b. “Oh sorry, I thought this story was about the Catholic Church.”
- c. “They should just settle...[sic] like the Catholic Church does. The damage won't be as much if no minor is involved.”

127. People have canceled their recurring donations to The Satanic Temple because of the article. Stevens Depo. 153:13-19; Jarry Aff.

128. Others have pointed to the article as proof of the truth of the matters asserted within it. Stevens Depo. 153:20-25; Jarry Aff.

129. To combat the ill effects of the article, The Satanic Temple hired a public relations firm. Jarry Aff.; Plaintiff's responses to Request for Production No. 22. (Invoice no. 7204).

130. To combat the ill effects of the article, The Satanic Temple retained a public relations professional from July 2022 – June 2023. Jarry Aff.; Plaintiff's responses to Request for Production No. 22 (Invoice nos.1001-1039).

131. The sum of The Satanic Temple's remediation expenses is \$43,350. Jarry Aff.; Plaintiff's responses to Request for Production No. 22. (Invoice no. 7204 and nos. 1001-1039).

132. The Satanic Temple has also suffered general reputational damages in an amount to be determined by the fact-finder.

133. The Satanic Temple also seeks punitive damages in an amount to be determined by the fact-finder.

OUTSIDE OF THE TEMPLE, IT IS UNKNOWN

134. Newsweek has supplied no polling data to substantiate a claim that The Satanic Temple is a “household name.” Kezhaya Aff.

135. Julia Duin denied familiarity with The Satanic Temple prior to receiving the idea for this article from the Catholic News Agency’s reporter. Duin Depo. at 73:7-8; see also JDUIN001.

136. Nancy Cooper denied even hearing of The Satanic Temple prior to Julia Duin’s pitch of this article. Cooper Depo. at 145:22-146:5, 153:13-17; see also Cooper51-52.

Respectfully submitted on April 10, 2024,

By: /s/ Matt Kezhaya

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CERTIFICATE OF SERVICE

NOTICE IS GIVEN that I, Matt Kezhaya, efiled the foregoing document by uploading it to the Court's CM/ECF system on April 10, 2024, which sends service to registered users, including all other counsel of record in this cause. *s/ Matt Kezhaya*